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TEXAS COMMISSION ON ENVIRONMENTAL QUALITY

Protecting Texas by Reducing and Preventing Pollution

November 12, 2009

The Honorable Wes Suiter
Angelina County Judge
P. O. Box 908
Lufkin, TX 75902-0908

Re: Angelina County Waste Management Center - Angelina County
Municipal Solid Waste - Permit No. 2105A
Permit Modification - Final Closure Plan: Notice of Deficiency (NOD)
Tracking Nos. 11976665, 11996726, 12863131; RN101947323 / CN600833511

Dear Judge Suiter:

We have reviewed your application for a municipal solid waste permit modification received on January 14, 2008, and revisions dated April 11, 2008 and September 25, 2009, for changes to Part III, Attachment 12 (Final Closure Plan).

Our review indicates that insufficient information has been provided to demonstrate compliance with Title 30 of Texas Administrative Code (30 TAC) Section (§)305.70. Therefore, we are unable to complete processing of your request at this time. Please review and address the following comments:

Final Closure Plan

1. The permit modification application as originally submitted stated that the Final Closure Plan will fully replace the current Attachment 12, and it was requested that we review it as an entirely new document. The September 25, 2009 submittal of Attachment 12 that was submitted in response to our June 13, 2008 NOD was not complete. Please submit a complete Attachment 12, including all Exhibits, Appendices, and Attachments, with all applicable changes.
2. Section 8 (Soil Erosion Losses Computations) referenced that the computations can be found in Appendix 5.1. Comment #9 in the March 13, 2008 NOD stated in part:

"... Please revisit the computations to determine if the values/assumptions used in those calculations are still valid based on the proposed final closure plan and current conditions (e.g., percent (%) slopes, slope lengths, soil erodibility factor, etc.). In addition, a narrative needs to be provided that explains the results of the calculations and compliance with the rule 30 TAC §330.305(d)(2) (relating to Additional Surface Water Drainage Requirements for Landfills). Please revise Appendix 5.1 accordingly."

The April 11, 2008 response to comment #9 stated:

“The Soil Erosion Losses Computation from the current closure plan are still valid as the percent (%) slopes, slope lengths, soil erodibility factor, etc. have not changed and are not being revised as a result of this modification.

Upon completion of the revisions to the permit to comply with 30 TAC §330.305(d)(2) (relating to Additional Surface Water Drainage Requirements for Landfills), Appendix 5.1 will be reviewed and permit modification will be submitted, if required.”

Comment #6 in the June 13, 2008 NOD stated in part:

“The Final Closure Plan submitted as an entirely new document must comply with all of the rules. The rule 30 TAC §330.457(e)(5) requires that the closure plan include “a final contour map depicting the proposed final contours, establishing top slopes and side slopes, proposed surface drainage features, and protection of any 100-year floodplain. [emphasis added]

The proposed surface drainage features and protection of any 100-year floodplain must comply with the applicable rules under Chapter 330, Subchapter G (Surface Water Drainage). It appears that the permit modification for compliance with Chapter 330, Subchapter G must be complete and issued so that the documentation in Section 8 (Soil Erosion Losses Computations) and Appendix 5.1 in this permit modification will be consistent and in compliance with the rules.

Please clarify the status of the revisions to comply with 30 TAC §330.305(d)(2) as referenced in the response to Comment No. 9, including the date of the original permit modification submittal and dates for all revisions.”

The September 25, 2009 response to comment #6 stated that Everett Griffith, Jr. & Associates, Inc. of Lufkin, Texas is currently in the process of completing the permit modification to address compliance with Chapter 330, Subchapter G. The response also stated that the anticipated completion/submittal date for the permit modification is approximately October 30, 2009. Our records do not indicate that we have received that permit modification submittal.

The permit modification for compliance with Chapter 330, Subchapter G must be complete and issued so that the documentation in Section 8 and Appendix 5.1 in this permit modification will be consistent and in compliance with the rules.

3. The September 25, 2008 response to comment #7 stated that this submittal includes a complete marked version of Appendix 5.2 (Slope Stability Analysis) with a revision date of April 11, 2008 being resubmitted. The submittal did not include an unmarked version of Appendix 5.2. Please see comment #1 above about submitting a complete Attachment 12.

Final Cover System Quality Control Plan – Appendix 5.4

4. Comment #16 (*June 13, 2008 NOD*) stated in part that Section 8 in Appendix 5.4 needs to clearly show all final cover system components for Pre-Subtitle D and Subtitle D areas. Appendix 5.4 was revised, in part, to reference Exhibits 4.2 and 4.3 of the Final Closure Plan for typical final cover sections. The Final Closure Plan did not include any Exhibits. Please see comment #1 above about submitting a complete Attachment 12.
5. Comment #17 (*June 13, 2008 NOD*) stated that Section 9 (Documentation) in Appendix 5.4 did not address the comments regarding the certification of closure required by 30 TAC §330.457(f)(5) as being a separate document than the Final Cover System Evaluation Report (FCSER). Comment #17 also stated that the FCSER is a report documenting the construction quality assurance/quality control testing of the final cover system, which is a part of all closure activities, and the certification document can include the FCSER as part of the applicable documentation necessary for certification of closure.

Section 9 was revised in part to state:

“ . . . The certification verifying that closure has been completed in accordance with the approved closure plan will be signed by the POR and will include a Final Cover System Evaluation Report which will provide all documentation necessary for certification of closure.”

The September 25, 2009 revision to Section 9 does not conform to the rule 30 TAC §330.457(f)(5), which states in part:

“Following completion of all closure activities for the MSW landfill unit . . . The owner or operator shall submit to the executive director by registered mail for review and approval a certification, signed by an independent licensed professional engineer, verifying that closure has been completed in accordance with the approved closure plan. The submittal to the executive director shall include all applicable documentation necessary for certification of closure. Once approved, this certification shall be placed in the operating record.”

Please understand that the FCSER does not provide for all documentation necessary for certification of closure. As stated in comment #17 (*June 13, 2008 NOD*), the certification document can include the FCSER, but other documentation necessary for closure will also need to be provided, such as the certified copy of the affidavit to the public, etc. The POR who prepares the FCSER might be a different person than who provides the certification of closure. Please revise Section 9 in Appendix 5.4 to conform with the rule 30 TAC §330.457(f)(5), and comment #23 (*March 13, 2008 NOD*) and comment #17 (*June 13, 2008 NOD*).

30 TAC §330.57(g) – Application Format

6. The September 25, 2009 submittal was not submitted in a form suitable for replacement and/or inclusion in the application as stipulated in the June 13, 2008 NOD. Please ensure that all pages are submitted for inclusion into a 3-ring binder.

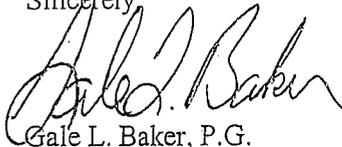
The Honorable Wes Suiter
Page 4
November 12, 2009

Please revise your permit modification request and submit a complete Attachment 12, with all applicable changes, within 30 days from the date of issuance of the permit modification for Chapter 330, Subchapter G (*see comment #2 above*). In accordance with 30 TAC §330.57, please ensure that each page has a header or footer that indicates the revision number and date. Your revised and/or additional pages should be in a form suitable for replacement and/or inclusion in the initial permit modification application. In accordance with 30 TAC §305.44, please include an original certification statement with the revision. Along with the original signature, the certification statement should indicate the name, title, and address of the responsible official.

To facilitate our review, please submit an original and two copies of the revisions, in conformance with applicable regulatory requirements referenced in 30 TAC §305.70. In addition, we are requesting that one of the two copies be marked to highlight the revisions made to the permit modification request. We suggest using a redline/strikeout format. Lastly, your response should include the tracking number that is referenced above.

Failure to submit a satisfactory response to the item(s) listed above may result in a recommendation to deny this modification request. If you have questions regarding this letter, please contact me at (512) 239-6730. When addressing written correspondence, please use mail code MC 124.

Sincerely,



Gale L. Baker, P.G.
Municipal Solid Waste Permits Section
Waste Permits Division
Texas Commission on Environmental Quality

GLB/fp

cc: Mr. Chris Fitzgerald, Landfill Manager, Angelina County Waste Management Center, Lufkin
Ms. Amy R. Hesseltine, P.E., LNV Engineering, Corpus Christi